

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JONATHAN MILLER,

Plaintiff,

V.

**COMMISSIONER OF SOCIAL SECURITY,**

**Defendant.**

Case No. 22-5790-RSM

**ORDER TO FILE ANSWER**

Plaintiff's Complaint seeking review of the Commissioner's decision denying social security benefits was filed on November 15, 2022. Dkt. No. 3. The Clerk issued summonses that same day. Dkt. No. 4. Plaintiff filed proof of service on November 22, 2022. Dkt. No. 5. Pursuant to Federal Rule of Civil Procedure 12(a)(2), the Commissioner was required to serve an answer to Plaintiff's complaint within 60 days after service, thus the Commissioner's answer was due by January 23, 2023. *See also* Fed. R. Civ. P. SUPP SS 4. The Commissioner failed to timely file an answer, and on February 6, 2023, the Court issued an order directing the Commissioner to (1) show cause why an answer was not timely filed, or (2) file an answer. Dkt. No. 6. The Commissioner responded on February 9, 2023 and explained neither the Social Security Administration's Office of General Counsel nor the United States Attorney's Office for the Western District of Washington "has any evidence of service, either electronically via the designated email address identified in Plaintiff's Affidavit or on paper." Dkt. No. 8 at 1. The Commissioner also requested the Court to waive service "[d]ue to this evident miscommunication regarding service." *Id.* at 1-2.

1 Finding good cause, the Court extends the answer deadline and ORDERS the  
2 Commissioner to file an answer to Plaintiff's complaint by April 11, 2023.

3 DATED this 10th day of February, 2023.

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6 Ricardo S. Martinez  
7 United States District Judge  
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